

# TOWN OF PENHOLD

## BYLAW NO. 714/14

### CAT BYLAW

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BEING A BYLAW OF THE TOWN OF PENHOLD IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF LICENSE, REGULATE AND CONTROL CATS.

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**WHEREAS** Council of the Town of Penhold supports responsible pet ownership within the Town of Penhold and will support and enforce that owners are caring and controlling their cats within the Bylaw rules.

**NOW THEREFORE** the Council of the Town Penhold, in the Province of Alberta, duly assembled and under the powers conferred upon it by the *Municipal Government Act*, R.S.A. 2000, c. M-26 Part 2, Division 1, Section 7(h) and amendments thereto, enacts as follows:

**1. TITLE**

This bylaw shall be called the “Cat Bylaw”.

**2. DEFINITIONS**

For the purposes of this Bylaw:

“**Altered**” means any cat that has been neutered or spayed by a veterinarian;

“**Animal Control Officer**” means any member of the Royal Canadian Mounted Police, Town of Penhold Community Peace Officer, Bylaw Enforcement Officer or designate; including, but not limited to, a person hired or contracted by the Town to enforce the provisions of this Bylaw;

“**Animal Control Ticket**” means a form having printed wording approved by Council as set out in Schedule “C” of this Bylaw;

“**Animal Shelter**” means premises designated by the Town for the impoundment and care of Cats and includes the premises supplied by a person hired or contracted by the Town to enforce the provisions of this Bylaw;

“**At Large**” when a cat is off the property of the owner, it is to be either held by a person, or on a leash not longer than 6 feet or two metres.

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**“Business Day”** means any day that the Town offices of the Town of Penhold are open for public business and shall not include the calendar day on which the initiating impoundment or other action in question occurred;

**“Cat”** means any domesticated cat;

**“Council”** means the elected Council of the Town of Penhold, Alberta;

**“Distress”** has the same meaning as in the *Animal Protection Act* R.S.A. 2000, c. A-41;

**“Intact”** means any cat that has not been neutered or spayed;

**“License”** means the cat license issued by the Town in accordance with this Bylaw;

**“License Tag”** means the identification tag issued by the Town that is connected to the License issued in accordance with this Bylaw;

**“Owner”** means any person, or group of people:

- (i) named as Owner on the Cat License;
  - (ii) in possession of, or, having charge or care of, the Cat; or
  - (iii) in possession or control of property where the Cat is not prevented from remaining;
- and

for the purposes of this Bylaw, a Cat may have more than one Owner;

**“Permitted Leash”** means a restraining device less than two (2) meters in length and in adequate physical condition to control the cat to which it is attached;

**“Town”** means the Town of Penhold.

**3. LICENSING**

- 3.1 The Owners of all Cats within the Town, shall prior to January 31st of each year, or immediately upon becoming the Owner of a Cat, license any Cat that is four (4) months or older at the Town office and for each such License, shall pay an annual License fee as set out in Schedule “B” herein.
- 3.2 No owner shall obtain ownership of more than six (6) pets, per property. Those pets may be a combination of cats and dogs but cannot exceed six (6).
- 3.3 Upon receipt of payment of the License fee for each Cat, a License shall be issued to the Owner, to be renewed annually.

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- 3.4 If a person is applying for a License for an altered Cat, the Town may require the Owner to provide a certificate from a certified and registered veterinarian indicating the Cat has been altered, prior to the Town issuing a License for the Cat.
- 3.5 Any person who provides the Town or an Animal Control Officer with false or misleading information with respect to a Cat is guilty of an offense and is subject to a penalty as set out in Schedule "C" of this Bylaw.
- 3.6 A License issued under this Bylaw is not transferable from one Cat to another or from one Owner to another.
- 3.7 No person is entitled to a refund or rebate of any monies that were paid as a License fee.

**4. RESPONSIBILITIES OF THE OWNER**

The Owner of a Cat is guilty of an offence if:

- 4.1 he or she fails to obtain a License for any Cat on or before January 31st in any year, or immediately upon becoming the Owner of a Cat;
- 4.2 the Cat is At Large;
- 4.4 the Cat damages any private or public property; or
- 4.5 the Cat defecates on any public or private property not owned or occupied by the Owner and the Owner fails to immediately remove the defecation.

**5. RESPONSIBILITIES OF AN ANIMAL CONTROL OFFICER**

- 5.1 The Animal Control Officer in charge of the Animal Shelter shall keep an up to date record of all complaints, notices, and reports regarding Cats and a similar record of disposition of all impounded Cats.
- 5.2 An Animal Control Officer may seize and impound any Cat that is At Large.

**6. INTERFERENCE WITH ENFORCEMENT OF THE BYLAW**

- 6.1 No person, whether or not he or she is the Owner of a Cat which is being, or has been, pursued or captured, shall:
  - (a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture, or who has captured, any Cat in accordance with the provisions of this Bylaw; or
  - (b) open the pen or vehicle in which Cats captured for impoundment have been placed, so as to allow, or attempt to allow, any Cat to escape therefrom; or



- (c) removal or attempt to remove any Cat from the possession of an Animal Control Officer.

**7. TREATMENT OF CATS**

7.1 No person shall:

- (a) entice a Cat to be At Large;
- (b) tease a Cat caught in a cat trap;
- (c) throw or poke any object into a cat trap when a Cat is caught therein;
- (d) fail to check a set cat trap on his premises hourly, or as otherwise required by the Animal Control Officer;
- (e) leave a set cat trap unattended, except as authorized by the Animal Control Officer;
- (f) leave a cat trap set between the hours of 11:00 p.m. on one day to 6:00 a.m. the following day, unless authorized by the Animal Control Officer.

**8. RELEASE OF IMPOUNDED CATS**

8.1 The Animal Control Officer shall keep all impounded Cats for a period of at least 96 hours, not including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the 96 hour period. During this period, any Cat may be claimed by its Owner upon payment to the Animal Control Officer.

8.2 The Owner of an impounded Cat may reclaim the animal by:

- (a) paying the appropriate License fee if the Cat is not licensed; and
- (b) paying the Kennel fees as specified from time to time in the contract between the Town and the Animal Control Officer for every 24 hour period or fraction thereof that the Cat has been impounded.

8.3 At the expiry of the 96 hour period, any Cat not claimed will be at the full discretion of the Animal Shelter and their decisions guidelines, rules and regulations.

8.4 The Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Cat to a veterinarian and act upon his or her recommendation. The Owner, if known, shall be held responsible for all charges resulting therefrom.


**9. TRAPPING OF CATS**

- 9.1 Any person, who has a complaint about a Cat At Large or causing damage to his or her property, may contact the Animal Control Officer.
- 9.2 When a complaint is found to be valid the Animal Control Officer will deliver and set a cat trap on the property of the complainant.
- 9.3 A complainant, upon having a cat trap set on their property, shall comply with the *Procedure and Guidelines for the Trapping of Stray Cats*, annexed as Schedule "A" to this bylaw, and such other terms and conditions as the Animal Control Officer may require.
- 9.4 The provision of a cat trap to a complainant shall be at the sole discretion of the Animal Control Officer.

**10. PENALTIES**

- 10.1 Where an Animal Control Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon the person an offence tag allowing payment of the specified penalty as set out in Schedule "C" of this Bylaw, which payment will be accepted by the Town in lieu of prosecution for the offence, or he or she may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing a voluntary payment or requiring a person to appear in court without the alternative of making a voluntary payment.
- 10.2 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty as set out in Schedule "C" and, in default of payment of the specified penalty.
- 10.3 Any person who contravenes the same provision of this Bylaw twice within a 12 month period is guilty of a second offence and is liable, on summary conviction, to a specified penalty for a second offence as set out in Schedule "C" and, in default of payment of the specified penalty.
- 10.4 Any person who contravenes the same provision of this Bylaw three or more times within a 12 month period is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified penalty for a third or subsequent offence as set out in Schedule "C" and, in default of payment of the specified penalty.
- 10.5 When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not less than \$250.00 and not exceeding \$1,000.00.
- 10.6 For an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues. Any person



guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

**11. SEVERABILITY OF BYLAW PROVISIONS**

It is the intention of Council that:

- 11.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions; and
- 11.2 Should any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then that provision may be severed and all other provisions of this Bylaw will remain valid and enforceable.


**12. GENERAL PROVISIONS**


- 12.1 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 12.2 The administration of the Town may develop additional documents to assist residents in the recording of complaints and concerns related to this Bylaw.
- 12.3 Bylaw 533/97 is hereby repealed and any other previous Cat Bylaws upon final passing of Bylaw 714/14

**Read a first time this 14<sup>th</sup> day of October, 2014.**

**Read a second time this 24<sup>th</sup> day of November, 2014.**

**Read a third time and passed this 24<sup>th</sup> day of November, 2014.**

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE - "A"**

**LICENSE FEES**

- 1 Annual License Fees for Cats not neutered or spayed - \$40.00
- 2 Annual License Fees for neutered or spayed Cats - \$20.00
- 3 It is the responsibility of the Owner of any Cat to provide a certificate from a veterinarian indicating the Cat has been spayed or neutered.
- 4 If a License tag is lost it can be replaced upon payment to the Town of a fee of \$10.00.
- 5 Cat Licenses are not transferable.



**SCHEDULE – “B”  
OFFENCES & FINES**

Section	Offense Description	Penalty
3.5	Provide false or misleading information	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00
4.1	Failing to obtain a Cat license	\$200.00
	Second Offence within a Year	\$200.00
	3 <sup>rd</sup> and subsequent offences within a year	\$200.00
4.2	Cat at Large	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00
4.4	Cat damages property	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00
4.5	Failing to immediately remove Cat defecation	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00
6.1 (a)	Interfering with an Animal Control Officer	\$500.00
	Second Offence within a Year	\$1000.00
	3 <sup>rd</sup> and subsequent offences within a year	\$1500.00
6.1 (b)	Opening or entering pen or vehicle housing impounded Cat	\$500.00
	Second Offence within a Year	\$1000.00
	3 <sup>rd</sup> and subsequent offences within a year	\$1500.00
6.1 (c)	Remove or attempt to remove Cat from Officer's possession	\$500.00
	Second Offence within a Year	\$1000.00
	3 <sup>rd</sup> and subsequent offences within a year	\$1500.00
7.1 (a)	Entice Cat to be at Large	\$500.00
	Second Offence within a Year	\$740.00
	3 <sup>rd</sup> and subsequent offences within a year	\$1000.00
7.1 (b)	Tease a Cat in a trap	\$500.00
	Second Offence within a Year	\$740.00
	3 <sup>rd</sup> and subsequent offences within a year	\$1000.00
7.1 (c)	Poke a Cat in a trap	\$500.00
	Second Offence within a Year	\$740.00
	3 <sup>rd</sup> and subsequent offences within a year	\$1000.00
7.1 (d)	Fail to check cat trap hourly	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00
7.1 (e)	Leave cat trap unattended	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00





7.1 (f)	Leave set cat trap between 11:00 pm and 6:00am	\$50.00
	Second Offence within a Year	\$100.00
	3 <sup>rd</sup> and subsequent offences within a year	\$150.00

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**SCHEDULE - "C"**

**PROCEDURE AND GUIDELINES FOR TRAPPING OF CATS**

- 1 A resident of the Town of Penhold who has a complaint about a Cat at large or causing damage to his or her property, may report such complaints to the Animal Control Officer.
- 2 If the complaint is found to be valid, the Animal Control Officer will instruct them to put a trap on the property of the complainant.
- 3 The complainant will be requested to sign a form and an agreement provided by the Animal Control Officer.
- 4 The complainant will be required to pay a \$50.00 deposit to the Animal Control Officer for a cat trap. This deposit will be returned to the complainant when the trap is collected and is found to be in the same condition it was at the time it was provided by the Animal Control Officer.
- 5 It will be the responsibility of the complainant to check the trap hourly, or as approved by the Animal Control Officer and, if an animal is caught, the complainant must contact the Animal Control Officer within 24 hours following the trapping.
- 6 The Animal Control Officer may enter and inspect the premises, other than a dwelling house, of the complainant to set and periodically check a cat trap.
- 7 The complainant shall not leave a trap set on his or her property unattended when absent therefrom for any period of time whatsoever, except as approved by the Animal Control Officer.
- 8 The complainant shall check the trap prior to 11:00 p.m. on each night that the trap is on his or her property and, if no animal is caught, he or she shall, unless otherwise approved by the Animal Control Officer, trip the trap and render it harmless until 6:00 a.m. the following day, when the complainant may again set the trap.
- 9 At such time as the Animal Control Officer takes possession of a trapped Cat, the Animal Control Officer will try to locate an identifying tag or tattoo on the Cat and, if found, will make every effort to contact the Owner of the Cat in order to report that it has been impounded by the Animal Control Officer.
- 10 If an identification tag or tattoo cannot be found on the impounded Cat, the Animal Control Officer will keep the Cat for a period of at least 96 hours and, after that time, as space permits. After said 96 hour period, it shall be at the discretion of the Animal Control Officer as to whether or not the trapped Cat shall be kept, sold to a new owner, or be euthanized. However, notwithstanding the care taken to ensure return of an Owner's Cat, if a trapped Cat shall be found by the Animal Control Officer to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by the Animal Control Officer.

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- 11 If the Owner of a Cat attends at the Animal Shelter for the purpose of claiming his or her Cat that was At Large, an offence ticket will be issued to the Owner in accordance with this Bylaw.
- 12 It is the responsibility of the complainant to ensure that, once a Cat is trapped on his property that said Cat shall not be abused contrary to sections 7.1(b) to 7.1(f) of this Bylaw, by anyone on his or her property, or anyone coming onto his or her property.
- 13 Any person seeing a Cat in a trap being abused is encouraged to telephone and report the abuse to the Animal Control Officer, at which time the Animal Control Officer will immediately attend at the premises where the abuse has taken place and will remove the Cat and the trap forthwith.
- 14 The Animal Control Officer will not provide service after normal business hours.
- 15 No cat traps will be set by the Animal Control Officer for a complainant when weather conditions are, or are forecast to be, lower than +3 degrees Celsius or higher than 24 degrees Celsius within the 72 hour period from the time of issue.

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